

The Honorable Franklin D. Burgess

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

NATHAN WITT, a minor child, by and  
through his parents, VALERIE L.  
WITT, and DANIEL A. WITT,  
husband and wife, individually as a  
marital community, and on behalf of  
their minor child,

Plaintiffs,

v.

MARION WARE and JOHN DOE  
WARE, individually and as a marital  
community, NAILA VANDERKOLK  
and JOHN DOE VANDERKOLK,  
individually and as a marital  
community, BILL TODD and JANE  
DOE TODD, individually and as a  
marital community, CARMEN CODY  
and JOHN DOE CODY, individually  
and as a marital community, LEAH  
STAJDUHAR and JOHN DOE  
STAJDUHAR, individually and as a  
marital community, BRENDA  
BIGEAGLE and JOHN DOE  
BIGEAGLE, individually and as a  
marital community, JANICE  
LANGBEHN and JOHN DOE  
LANGBEHN, individually and as a  
marital community, CHILDREN'S  
HOME SOCIETY OF  
WASHINGTON, a non profit  
Washington corporation, SERVICE  
ALTERNATIVES FOR  
WASHINGTON, INC., Washington

NO. C04-5139FDB

DECLARATION OF PAUL F. JAMES  
IN SUPPORT OF DEFENDANTS'  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT DISMISSING  
PLAINTIFFS' CLAIMS UNDER 42  
U.S.C. § 1985, § 1986 AND § 1988

NOTED: July 8, 2005

1 corporation, SUE BATSON and JOHN  
 2 DOE BATSON, individually and as a  
 3 marital community, SUSAN  
 4 GOODSON and JOHN DOE  
 5 GOODSON, individually and as a  
 6 marital community, MELVA BINION  
 7 and JOHN DOE BINION, individually  
 8 and as a marital community, JANE  
 9 DOE COATE and JOHN DOE  
 10 COATE, individually and as a marital  
 11 community, TOM PRICE and JANE  
 12 DOE PRICE, individually and as a  
 13 marital community, GORDON  
 14 SINCOCK and JANE DOE SINCOCK,  
 15 individually and as a marital  
 16 community, BONNIE BUSHNELL and  
 17 JOHN DOE BUSHNELL, individually  
 18 and as a marital community,  
 19 JEREMIAH OLSON, JANE DOE  
 20 BUTLER and JOHN DOE BUTLER  
 21 individually and as a marital  
 22 community, JOHN DOE and JANE  
 23 DOE Numbers One through Five,  
 24 individually and as a marital  
 25 community, STATE OF  
 26 WASHINGTON and DEPARTMENT  
 OF SOCIAL AND HEALTH  
 SERVICES, GERI THOMAS AKERS  
 and JERRY AKERS, individually and  
 as a marital community,

Defendants.

I, PAUL F. JAMES, hereby state and declare as follows:

1. I am an Assistant Attorney General assigned to represent the following  
 defendants in this matter: MARION WARE and JOHN DOE WARE, individually and as a  
 marital community, NAILA VANDERKOLK and JOHN DOE VANDERKOLK, individually  
 and as a marital community, BILL TODD and JANE DOE TODD, individually and as a  
 marital community, CARMEN CODY and JOHN DOE CODY, individually and as a marital  
 community, LEAH STAJDUHAR and JOHN DOE STAJDUHAR, individually and as a  
 marital community, BREND BIGEAGLE and JOHN DOE BIGEAGLE, individually and as a  
 marital community, JANICE LANGBEHN and JOHN DOE LANGBEHN, individually and as

1 a marital community, MELVA BINION and JOHN DOE BINION, individually and as a  
 2 marital community, JANE DOE COATE and JOHN DOE COATE, individually and as a  
 3 marital community, TOM PRICE and JANE DOE PRICE, individually and as a marital  
 4 community, GORDON SINCOCK and JANE DOE SINCOCK, individually and as a marital  
 5 community, JANE DOE BUTLER and JOHN DOE BUTLER individually and as a marital  
 6 community, JOHN DOE and JANE DOE Numbers One through Five, individually and as a  
 7 marital community, STATE OF WASHINGTON and DEPARTMENT OF SOCIAL AND  
 8 HEALTH SERVICES, ("Defendants").

9 1. I am over the age of 18, competent to testify as to the matters stated herein, and  
 10 make this declaration based on my personal knowledge.

11 2. Attached to this declaration are true and correct copies of the following exhibits  
 12 in support of Defendants' Motion and Memorandum in Support of Motion for Partial Summary  
 13 Judgment Dismissing Plaintiffs' Claims Under 42 U.S.C. § 1985, § 1986 and § 1988.

<u>Exhibit #</u>	<u>Description</u>
A.	Order of Guardianship dated March 9, 1993;
B.	Decree of Adoption dated July 7, 1995;
C.	Voluntary Placement Agreement dated July 11, 1996;
D.	Order of Dependency and Disposition dated August 28, 1997;
E.	Case Narrative Closing (Summary and Recommendations dated April 20, 1999;
F.	Letter of Sue Billet dated March 30, 1999;
G.	DSHS Individual Service Plan dated February 1, 2000;
H.	JRA Admission Summary;
I.	Excerpts of the deposition of Valerie Witt, Volume I: Pg. 38, ln. 18 to pg. 40, ln. 2 Pg. 47, ln. 10 to pg. 48, ln. 2 Pg. 41, lns. 10-25 Pg. 45, lns 16-22

Pg. 51, ln 18 to pg. 52, ln. 24  
Pg. 93, ln. 3-18;

- J. Valerie Witt letter dated October 18, 2002;
- K. Motion for Return of Child dated January 17, 2003;
- L. Letter of Jennifer Johnson, dated July 21, 2003;
- M. Letter of Rick Kendig, M.Ed. dated February 25, 2000;
- N. Order Clarifying Parental Authority in Continuing Dependency Action dated February 20, 2003;
- O. Ruling Denying Review dated August 15, 2003.

I declare under penalty of perjury, under the laws of the State of Washington that the foregoing is true and correct.

DATED this 6th day of June, 2005, at Lacey, Washington.

/s/ Paul F. James

PAUL F. JAMES

**CERTIFICATE OF SERVICE**

I hereby certify that on June 6, 2005, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

[preble@olywa.net](mailto:preble@olywa.net)

/s/Paul F. James  
PAUL F. JAMES, WSBA #13525  
Assistant Attorney General  
Torts Division  
P.O. Box 40126  
Olympia, WA 98504-0116  
(360) 459-6600